

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3639-01
BILL NO.: HB-1671
SUBJECT: Firearms: Civil Procedures, Liability
TYPE: Original
DATE: February 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Public Safety-Missouri Highway Patrol** assume no fiscal impact.

Officials of the **Office of the Attorney General** assume no fiscal impact to their office.

Officials of the **City of Mexico** assume no fiscal impact.

Officials of the **City of St. Louis** stated that the city currently has a lawsuit being adjudicated against a gun manufacturer. Officials assume that this proposal potentially would prohibit the city from receiving millions from gun manufacturers.

Officials of the **City of Kansas City** stated that they have not joined in any of the current lawsuits filed by other municipalities and government entities against any of the firearms manufacturers to recover damages or costs for firearms related deaths and injuries (similar to the recent lawsuits against the tobacco companies). The City Council has considered such action, but has not decided to pursue it. The primary obstacles to such a suit are the uncertainty of any liability on the part of the firearms manufacturers and resulting uncertainty of any ability to recover any awarded damages from such manufacturers, coupled with the expense of undertaking such litigation. Officials stated the City has no plans to proceed with any such litigation within the foreseeable future. Therefore, the only potential cost would be that it would preclude the City from any such course of action in the future. Because the City is uncertain of any potential liability, the potential cost of being precluded from filing such suits cannot be determined.

Oversight assumes that the outcome of St. Louis City's lawsuit is unknown, and **Oversight** is not able to predict or estimate whether in the absence of this legislation St. Louis City or any local government would have received any settlement, therefore, the fiscal impact to local governments is \$0 to (Unknown).

FISCAL IMPACT - State Government

FY 2001
(10 Mo.)

FY 2002

FY 2003

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.) \$0	FY 2002 \$0	FY 2003 \$0
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<u>Fiscal Impact to Local Governments for Prohibition on Gun Lawsuits.</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill prohibits political subdivisions and the state from bringing a legal action against firearms manufacturers, trade associations, or dealers for activities relating to the lawful design, manufacture, or sale of firearms. An exception allows political subdivisions to file an action claiming a breach of contract for the purchase of firearms or ammunition. The bill also specifies that the lawful design, marketing, manufacture, or sale of firearms or ammunition is not an unreasonably dangerous activity and is not a nuisance per se.

The bill contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Department of Public Safety- Missouri Highway Patrol
City of Mexico
City of St. Louis
Kansas City Manager's Office
NOT RESPONDING:

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Cities of: Columbia, Hannibal, Springfield, Cape Girardeau, St. Charles, Raytown, Florissant, Hazelwood, and Chesterfield.

Counties of: Greene, Jasper, Cole, Callaway, Cape Girardeau, Jefferson, Marion, Lincoln and Jackson.

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
February 18, 2000